

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RICHARD A. CLARK and,
JENNIFER CLARK,

Plaintiffs,

v.

RIVER METALS RECYCLING, LLC., *et al.*,

Defendants.

Case No. 15-cv-447-JPG-PMF

MEMORANDUM AND ORDER

In light of Seventh Circuit Court of Appeals admonitions, *see Foster v. Hill*, 497 F.3d 695, 696-97 (7th Cir. 2007), the Court has undertaken a rigorous initial review of pleadings to ensure that jurisdiction has been properly pled. *See Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010) (noting courts' "independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it"). The Court directed the Defendants, River Metals Recycling, LLC and Sierra International machinery, LLL to provide a list of its member. (Doc. 10). River Metals Recycling, LLC complied, however, the list was insufficient and the Court notes the following defect in the jurisdictional allegations:

Failure to allege a the citizenship of each member of an unincorporated association. To determine if complete diversity exists, the Court must examine the citizenship of each member of **a partnership, whether limited or general members / an unincorporated association/ a limited liability company**. *See Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990); *Belleville Catering Co. v. Champaign Market Place, LLC*, 350 F.3d 691, 692 (7th Cir. 2003) (partnerships and limited liability companies are citizens of every state of which any member is a citizen); *Indiana Gas Co. v. Home Ins. Co.*, 141 F.3d 314, 316 (7th Cir. 1998). The relevant pleading must affirmatively allege the specific states of citizenship of each member of the **partnership/ association/ limited liability company**.

To determine if complete diversity exists, the Court must examine the citizenship of each member of a limited liability company. *See White Pearl Inversiones S.A. (Uruguay) v. Cemusa*,

Inc., 647 F.3d 684, 686 (7th Cir. 2011); *Belleville Catering Co. v. Champaign Market Place, LLC*, 350 F.3d 691, 692 (7th Cir. 2003). The relevant pleading must affirmatively allege the specific states of citizenship of each member of the limited liability company, and “the citizenship of unincorporated associations must be traced through however many layers of partners or members there may be.” *Meyerson v. Harrah’s E. Chi. Casino*, 299 F.3d 616, 617 (7th Cir. 2002).

The list provided by Rivers Metals Recycling, LLC does state the specific states of citizenship for each member and also, for the members which are a company or corporation, the state of incorporation and principal place of business needs to be disclosed.

The Court also notes that the citizenship of the Plaintiffs is not properly plead:

Failure to allege the citizenship of an individual. A complaint asserting diversity jurisdiction must allege the citizenship of an individual defendant, not merely residence. 28 U.S.C. § 1332(a)(1); *Meyerson v. Harrah’s East Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002); *Held v. Held*, 137 F.3d 998, 1000 (7th Cir. 1998). Allegations of “residence” are jurisdictionally insufficient. *Steigleder v. McQuesten*, 198 U.S. 141 (1905). Dismissal is appropriate where parties allege residence but not citizenship. *Held*, 137 F.3d at 1000.

Therefore, the Court hereby **ORDERS** the Defendants to **SHOW CAUSE** on or before **May 21, 2015** why this case should not be dismissed for lack of jurisdiction. Failure to respond to this order may result in remand.

IT IS SO ORDERED.

DATED: 5/6/2015

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE